

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-4, 6-11, 13-18, 20-25, 27, and 28 are pending in the application, with claims 1, 8, 15, and 22 being the independent claims. Claims 1, 8, 15, and 22 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,453,216 to McCabe *et al.* (hereinafter "McCabe") in view of U.S. Patent No. 6,397,162 to Ton (hereinafter "Ton") in further view of U.S. Patent No. 4,626,992 to Greaves *et al.* (hereinafter "Greaves"). (*See*, Office Action at p. 3.) Applicants traverse these rejections.

Amended independent claim 1 recites, *inter alia*, (emphasis added):

wherein said list of observable problems includes information about at least one of a fish activity ***within*** the body of water, a density of terrestrial vegetation within a vicinity of the body of water, a taste of the body of water, and an odor of the body of water; and

wherein said list of fundamental problems includes information about at least one of a density of nutrients within a soil within said vicinity of the body of water and a distribution of thermal energy within the body of ***water***,

wherein the body of water is one of a lake, a reservoir, and a pond.

Each of independent claims 8, 15, and 22 has been amended to recite "wherein the body of water is one of a lake, a reservoir, and a pond." None of McCabe, Ton, or Greaves, alone or in combination, discloses, teaches, or suggests: (1) a body of water that is one of a lake, a reservoir, and a pond, (2) fish activity within the body of water, or (3) distribution of thermal energy within the body of water.

The Office Action concedes that McCabe and Ton relate to an irrigation system and not to a lake, a reservoir, or a pond. (*See*, Office Action at pp. 4-5.) Furthermore, Greaves explicitly "uses a tank 12 or similar enclosure for exposing a plurality of living organisms 13 to water 14 from one or more selected water sources 15." (Greaves at col. 3, lines 27-29.)

The Office Action observes that Greaves teaches fish activity (e.g., living organisms). (*See*, Office Action at p. 6.) However, as noted above, the fish activity of Greaves occurs within a tank and not within a lake, a reservoir, or a pond. (*See*, Greaves at col. 3, lines 27-29 and at fig. 1.)

The Office Action infers that the temperatures shown at Table 3 of McCabe teaches a distribution of thermal energy within a body of water. (*See*, Office Action at p. 4.) However, the context suggests that the temperatures shown at Table 3 are for air and not for a body of water. (*See*, McCabe at col. 7 and at Table 3.)

For at least these reasons, claims 1, 8, 15, and 22 are patentable over McCabe in view of Ton in further view of Greaves. Likewise, claims 2-4, 6, 7, 9-11, 13, 14, 16-18, 20, 21, 23-25, 27, and 28, which depend directly or indirectly from claims 1, 8, 15, or 22, are patentable over McCabe in view of Ton in further view of Greaves, and because of

their additional distinctive features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw his rejections of claims 1-4, 6-11, 13-18, 20-25, 27, and 28 under 35 U.S.C. § 103(a).

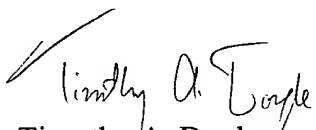
Conclusion

All of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Timothy A. Doyle". The signature is written in a cursive, flowing style.

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